

**873—4.46(17A,85,86) Contested case proceedings—health service disputes.**

**4.46(1)** See rule 873—10.3(17A,85,86) for informal resolution procedures and definitions. The following definition also applies to this rule:

*“Petitioning party”* means the person who requests or initiates a contested case proceeding.

**4.46(2)** If utilization of the procedures given in rule 873—10.3(17A,85,86) does not resolve the dispute and the parties have complied with the good faith requirements of rule 873—10.1(17A,85,86), a contested case may be initiated. The procedures given in rule 873—10.3 (17A,85,86) must be used prior to initiation of a contested case. The provider or the responsible party that is unwilling to accept the determination of the person making a determination after reviewing the dispute as provided in rule 873—10.3(17A,85,86) shall initiate the contested case proceeding. The proceeding shall be initiated as provided in this chapter and Iowa Code chapter 17A and shall follow the provisions of this rule. The proceeding must be initiated within 30 days of the date of the determination made pursuant to rule 873—10.3(17A,85,86). If a contested case proceeding is not initiated or is not initiated within the time provided in this rule, the allowed amount of the charge by the provider shall be the amount determined pursuant to rule 873—10.3(17A,85,86).

**4.46(3)** The evidence submitted in the contested case proceeding shall be limited to the evidence submitted pursuant to rule 873—10.3(17A,85,86) and a copy of the determination made pursuant to rule 873—10.3(17A,85,86). This evidence shall be filed by the party requesting the contested case proceeding at the time the contested case proceeding is initiated. However, the industrial commissioner may request that additional evidence be submitted or may grant submission of additional evidence if the commissioner is satisfied that there exists additional material evidence, newly discovered, which could not with reasonable diligence be discovered and produced pursuant to rule 873—10.3(17A,85,86). The issues of the contested case proceeding shall be limited to the dispute considered in rule 873—10.3(17A,85,86).

**4.46(4)** The petitioning party has the burden of proof.

**4.46(5)** If the petitioning party wishes to file a brief, it must be filed with the request for contested case proceeding.

**4.46(6)** The opposing party must file a response within 30 days of the date of service of the request for contested case proceeding.

**4.46(7)** If the opposing party wishes to file a brief, it must be filed with the response.

**4.46(8)** Sixty days after the request for contested case is filed with the industrial commissioner, the industrial commissioner will review the matter. The notice of the review to the parties shall be the provisions of this rule and no other notice will be given.

**4.46(9)** The industrial commissioner shall review the matter and make a decision as soon as practicable after the review. The decision shall be as provided in this chapter and Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12, 17A.14, 85.27, 86.8 and 86.39.